

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. 2:02-cr-0418 GEB KJN P

vs.

FERNANDO LOPEZ-CUEVAS,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 6, 2013, the magistrate judge filed findings and recommendations herein which were served on movant and which contained notice to movant that any objections to the findings and recommendations were to be filed within fourteen days. Movant has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 6, 2013, are adopted in full;

2. Movant's second motion (ECF No. 225), filed pursuant to 28 U.S.C. § 2255, is denied without prejudice for lack of jurisdiction;

3. The Clerk of the Court is directed to close the companion civil case, No. 2:13-cv-1214 GEB KJN; and

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: July 5, 2013



GARLAND E. BURRELL, JR.
Senior United States District Judge